

Serial No.: 09/926,293
Atty. Docket No.: P67157US0

REMARKS

The Office Action mailed November 2, 2004, has been carefully reviewed and Applicants note with appreciation the identification of allowable subject matter.

By this Amendment, Applicants have canceled claims 2, 8, 14, 16 and 20, amended claims 1, 7 and 17, and added claims 21-26. Claims 1, 3-7, 9-13, 15, 17-19 and 21-26 are pending in the application, and claims 1, 25 and 26 are independent.

On March 4, 2005, Applicants' representative conducted a telephone interview with Examiner Brown to discuss the pending claims and particularly claims 7-9, 13, 16 and 17 in view of U.S. Patent No. 5,939,339 to Delmore and WO 93/01777 to Malloul. Applicants' appreciate the Examiner's time and cordiality in conducting the interview.

In the outstanding Action, the Examiner rejected claims 1-6, 12 and 17 under 35 U.S.C. 102(e) as being anticipated by Delmore. Under 35 U.S.C. 103(a), the Examiner rejected claims 7-9 as being unpatentable over Delmore in view of Malloul, rejected claim 10 as being unpatentable over Delmore in view of U.S. Patent No. 5,181,905 to Flam, rejected claims 11, 13, 14, 16 and 20 as being unpatentable over Delmore in view of U.S. Patent No. 6,168,800 to Dobos, and rejected claim 15 as being unpatentable

Serial No.: 09/926,293
Atty. Docket No.: P67157US0

over Delmore, Dobos and further in view of Marcussen. Claims 18 and 19 were objected to as being dependent on a rejected base claim, but the Examiner stated that claims 18 and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As set forth in amended claim 1, which now incorporates the limitation of canceled claim 8, the present invention is directed to a pressure relieving dressing for a wound, the dressing having an absorbent element encircled by a substantially non-absorbing pressure distributing element, both of which are in contact with the skin when the dressing is applied thereto. The absorbent element is inset within the pressure distributing element such that the absorbent element extends, *from its skin-contacting surface*, at least partly *through the thickness* of the pressure distributing element. This is not shown by Delmore in view of Malloul for at least the following reasons.

First, Malloul does not teach an absorbent element that extends at least partly through the depth of the pressure distributing element. Instead, Malloul teaches an inelastic support 1 having an absorbent or padded element 3 *in between* two shock-absorbing pads 4. Hence, it cannot be said that the padded element 3 extends *into or through the thickness* of the shock-

absorbing pads 4, but only that the element 3 spans the distance between the pads 4. This is significant because the purpose and function of Malloul is to provide a dressing with shock absorbing elements 4 that engage healthy skin on either side of a wound (see the Abstract). There is thus no reason to include an absorbent element inset within the shock absorbing elements, as is claimed by the present invention, in that given the structure of Malloul this would interfere with the securing of the dressing to the healthy skin by adhesive portion 2. Nor is there anything to suggest modifying the padded area 3 to contact the skin as the expressed purpose of Malloul is to define, in the padded area 3 between the shock-absorbing elements 4, a free intermediate space that surrounds the wound *without touching it* (see the Abstract).

Second, Delmore does not disclose an absorbent element that extends into the thickness of the pressure distributing element either. Delmore is directed to a self-adhering elastic bandage having an elastomeric substrate 30 that applies a compressive force so as to apply pressure to the wound. According to the embodiment shown in Figure 3 of Delmore and discussed at column 7, an absorbent pad 32 is bonded to the elastic substrate with an adhesive layer 34. Delmore specifically identifies the concern that the expansion and contraction of the elastic substrate

Serial No.: 09/926,293
Atty. Docket No.: P67157US0

not be compromised by the bonding of the absorbent pad thereto. To this end, the adhesive strip 34 is applied in a thin strip "in order to minimally inhibit" such expansion and contraction (column 7, lines 28-31). Furthermore, Delmore states that this thin strip "allows the elastic substrate to expand and contract by sliding past the pad" (column 7, lines 31-33). This is completely contrary to the inseting of an absorbent element within the thickness of a *pressure distributing* element as is claimed by the present invention.

Finally, taken together, Delmore and Malloul do not teach the present invention as set forth in claim 1. Malloul discloses the placement of an absorbent element in *between* two shock absorbing elements within an elastic dressing. Delmore teaches the application of a thin strip of adhesive to an elastomeric substrate to attach an absorbent element while minimally impacting the expansion and contraction characteristics of the elastomeric substrate. There is nothing that would suggest modification of Delmore with the teaching of Malloul. Even if there were, the result would not correspond with the present invention because Malloul does not teach an absorbent element that extends into the thickness of a *pressure distributing* element. On the contrary, *modifying Delmore to include Malloul would result in two spaced*

Serial No.: 09/926,293
Atty. Docket No.: P67157US0

portions of elastomeric substrate joined by an absorbent element. Such a result would be completely unacceptable from the perspective of Delmore as there would no longer be an even application of compression to the underlying area due to the intervening, non-compressive absorbent element. And even if the elastomeric substrate were to remain unitary, the *insetting* of the absorbent element in the thickness thereof in accordance with the present invention (as opposed to the external adherence of the pad to an elastomeric substrate of uniform thickness as taught by Delmore) would still alter the consistency of the compressive force exerted by the substrate due to the reduced thickness thereof at the point accommodating the absorbent element.

For at least the foregoing reasons, claim 1 is neither anticipated by nor obvious in view of Delmore and Malloul and is patentable thereover. Applicants request that the Examiner fully consider the foregoing remarks and withdraw the rejection of claim 1 as amended herein.

Claims 3-7, 9-13, 15 and 17-19 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

More particularly, the prior art does not teach or suggest a skin-contacting absorbent element that is both inset

Serial No.: 09/926,293
Atty. Docket No.: P67157US0

within a pressure distributing element and which extends from the skin *through the complete thickness of the pressure distributing element* to an overlying top layer, as set forth in claim 7.

In regard to claim 9, Applicants request reconsideration by the Examiner of what is taught by Malloul as compared with the presently claimed invention. As was discussed during the interview, the holes shown in Figures 3 and 4 of Malloul provide optional aeration to the support 1 (see the Abstract). In the present invention, by contrast, the indentations which may be included in the pressure distributing element provide flexibility. When the pressure distributing element has an overlying top layer, the indentations do not extend through such layer (see page 9, lines 18-23; page 16, lines 12-16). This is contrary to the teaching of Malloul which requires through-passing apertures for aeration such that claim 9 is patentable thereover.

Claims 18 and 19 are allowable in accordance with the Examiner's identification of allowable subject matter therein.

New claims 21 and 22 are in condition for allowance for at least the same reasons as claim 9. New claims 23 and 24 set forth that the present invention may include a top layer flange that essentially creates an island dressing, as supported in the specification on page 16 and Figure 7; this structure as added to

Serial No.: 09/926,293
Atty. Docket No.: P67157US0

the limitations of the underlying base claim is not shown or suggested by the prior art.

New claims 25 and 26 represent the subject matter of claims 18 and 19 rewritten in independent form to include the limitations of claim 1 (prior to this amendment) and are in condition for allowance in accordance with the Examiner's identification of allowable subject matter therein.

Accordingly, with this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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